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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re M.G. et al., Persons Coming  
Under the Juvenile Court Law.

B293297

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

(Los Angeles County  
Super. Ct. No. 18CCJP05406A–D)

Plaintiff and Respondent,

v.

J.G. et al.,

Defendants and Appellants.

APPEAL from orders of the Superior Court of Los Angeles County. Kim L. Nguyen, Judge. Dismissed in part, affirmed in part.

John P. McCurley, under appointment by the Court of Appeal, for Defendant and Appellant J.G.

Nancy Flores, under appointment by the Court of Appeal, for Defendant and Appellant L.O.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Aileen Wong, Deputy County Counsel, for Plaintiff and Respondent.

J.G. (father) and L.O. (mother) appeal jurisdiction and disposition orders involving their four minor children Mi.G. (born June 2001), K.G. (born July 2004), Ma.G. (born March 2009), and Ja.G. (born June 2010). We affirm in part and dismiss in part.

We grant the Los Angeles Department of Children and Family Services' (DCFS) motion to dismiss the parents' appeal as to the oldest child Mi.G. The parents concede they are not challenging the court's orders as to him.

We also grant DCFS's motion to dismiss the parents' challenge to the removal order as moot because the court ordered the three youngest children returned to the parents after the parents appealed.<sup>1</sup> (*In re Yvonne W.* (2008) 165 Cal.App.4th 1394, 1404.) Father does not dispute the issue and "submits to the Court as to whether to address his removal argument." We decline to do so.

As to the parents' jurisdictional challenge, the court exercised jurisdiction over the three youngest children pursuant to Welfare and Institutions Code section 300, subdivision (b)(1). The court found true an allegation the children were placed in an endangering home environment after law enforcement officers found two loaded firearms, ammunition, and methamphetamine in a safe in Mi.G.'s room, as well as drug paraphernalia in his room within access of the children. We review the court's findings for substantial evidence. (*In re M.R.* (2017) 8 Cal.App.5th 101, 108.) We find substantial evidence supported jurisdiction here.

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<sup>1</sup> We grant DCFS's motion for judicial notice of the juvenile court's March 18, 2019 orders. (Evid. Code, § 452, subd. (d).)

The record shows the parents placed the children at substantial risk of serious physical harm. After identifying Mi.G. as a gang member and a victim in a shooting that occurred a month earlier, police executed a search warrant on the family's home. They recovered two loaded guns, ammunition, methamphetamine, and \$5,220 in cash from a locked safe in Mi.G.'s bedroom. Detectives reported smelling marijuana in the room and they recovered marijuana paraphernalia, including several pipes and marijuana extract, accessible to the children. Critically, while the children denied seeing any guns or drugs, both K.G. and Ma.G. reported they would go into Mi.G.'s room and spend time there. That placed them in close proximity to the guns and drugs in the safe, and directly exposed them to the drug paraphrenia and marijuana smoke. While the safe was locked when the search was conducted, Mi.G.—who was himself only 17 years old when he was arrested—could have easily forgotten to lock the guns and drugs away, leaving them accessible to the children.

Despite their repeated denials, the parents either knew or reasonably should have known Mi.G. had drugs and guns in the home and the children could potentially access them. When officers found the safe, mother appeared to get nervous, and the officers suspected mother was aware of the safe and its contents. Although mother denied knowing what was in the safe or that Mi.G. was involved in criminal activity, law enforcement believed mother was fully aware of Mi.G.'s activities "since they are doing [them] in the home." Also, despite officers' observations, mother denied smelling marijuana or that Mi.G. and her adult son A.R. smoked marijuana in the home. She admitted she knew they smoked it elsewhere. Father also denied knowing about the

guns, drugs, or safe, but reported “his sons are having issues with some neighbors across the way.” Like mother, father knew Mi.G. and A.R. smoked marijuana, but he denied they smoked in the home.

With regard to the guns specifically, Mi.G. told police the family had recently moved to Bakersfield because they had been threatened by “Black people” living in the neighborhood who believed Mi.G. was involved in a recent shooting. Mi.G.’s probation report noted mother “had a verbal argument with several of her African American neighbors,” which may have led to the shooting. Mother reported she had been physically attacked, and the family “moved to Bakersfield because they were scared for their safety.” While living in Bakersfield, Mi.G. purchased the guns for protection. The family then moved back to the home two weeks prior to the search. Mother claimed they did so “since she did not get help.” It defies coincidence mother would move the family away from the neighborhood where they felt unsafe, only to move back without knowing that Mi.G. had guns in the home for protection.

Mi.G. also reported the \$5,220 in cash found in the safe belonged to mother. Mother confirmed the cash was “our money” from A.R.’s tax return and “he was saving that for me for an emergency.” From this, it is reasonable to infer she knew about the safe and where a significant amount of her money was being kept.

Further, the evidence demonstrated Mi.G. was a member of the West Side Longo 13 gang and was a suspect involved in several shootings in the prior few months. Nonetheless, mother denied Mi.G. was a gang member and claimed she was unaware of the shooting a month prior to the search. Her denial conflicted

with A.R.'s report that the shooting occurred only two blocks from the family's home and "[m]y parents and all my family was at the party" where the shooting occurred. Mi.G. "was in the front talking with his two friends and they got shot at. My parents came home and brought the kids back because they did not want them to be in danger." When a social worker pointed out to mother "there is a lot of documented information that her son is involved with the West Side Longo 13 gang," mother continued to deny his membership, claiming "it seemed like that police are just falsifying information because the police do not like her or her son." Father similarly reported he knew nothing about Mi.G.'s gang membership.

Mi.G.'s probation officer did not believe the parents, suspecting they were "covering up for [Mi.G.], especially because he has heavily documented gang involvement." The probation officer "indicated that it is very unlikely that the parents were not aware of what [Mi.G.] was up to and what kind of things were in the home." He noted a lot of the information Mi.G. reported to officers when he was arrested "does not make any sense and it appeared that the youth was coached."

Likewise, the investigating officer believed mother was aware of Mi.G.'s activities because "[t]here were obvious signs that they had drugs in the room and they had visible drug paraphernalia." Although the officer did not interview mother, he reported "[t]he only thing that was evident was the big pipes found in the home and the smell of marijuana. [Mother's] character in itself seemed that she was trying to hide what her sons were involved in. Once we confronted her with it she knew the truth was out and she could not cover anymore."

The juvenile court found the parents' denials not credible, concluding the parents "either knew or should have known about all of these items in the home." We cannot second-guess that finding. (*In re Yolanda L.* (2017) 7 Cal.App.5th 987, 992.) The record amply showed the children were at risk of serious physical harm due to the parents' failure to protect the children from the guns and drugs they either knew or should have known were in the home. And despite the parents' contrary argument, this risk was not eliminated by the time of the jurisdiction/disposition hearing because Mi.G. was in juvenile hall and mother had kicked A.R. out of the home. The parents' denials of Mi.G.'s dangerous activities—including mother's claim that the police were actually *falsifying* information—showed a high likelihood the parents would again fail to protect the children from the same dangers in the future. (*Yolanda L., supra*, at pp. 993, 996.)

#### **DISPOSITION**

The parents' appeal of the court's orders as to the oldest child Mi.G. and the parents' challenge to the removal order are dismissed. In all other respects, the jurisdiction and disposition orders are affirmed.

BIGELOW, P.J.

We Concur:

GRIMES, J.

STRATTON, J.